

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

LACEY PAIGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:12:cv40 SNLJ
	)	
JERRY MURRAY, et al.,	)	
	)	
Defendants,	)	

**MEMORANDUM AND ORDER**

This matter is before the Court in view of defendants' trial brief (#163). The conclusion of the trial brief states that

Since the Plaintiff will not be able to show that the leak in his cell rose to the level of a constitutional violation, and because the Plaintiff will not be able to show that Defendants knew of and deliberately disregarded a risk of any harm to the Plaintiff, the Defendants should be held not liable in Plaintiff's claims.

(#163 at 4.) The Court will treat defendants' trial brief as a renewed motion for summary judgment. The Court will consider all filings made in support or in opposition to the defendants' motion for summary judgment (#72) and plaintiff's motion for summary judgment (#118). In addition, plaintiff will be afforded 14 days in which to file a response. Defendants shall have 10 days thereafter to file a reply. The trial date in this matter will be vacated and reset for May 25, 2016. Should summary judgment be denied to defendants, this Court will consider ordering the parties to mediate this dispute.

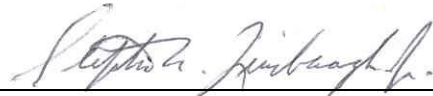
Accordingly,

**IT IS HEREBY ORDERED** that defendants' trial brief (#163) shall be construed as a renewed motion for summary judgment as described above.

**IT IS FURTHER ORDERED** that plaintiff shall have until April 19, 2016 by which to file a response memorandum, and defendants shall have until April 29, 2016 by which to file a reply.

**IT IS FINALLY ORDERED** that the April 20, 2016 is **VACATED** and reset for May 25 and 26, 2016.

Dated this 5th day of April, 2016.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE